

**REMARKS**

The Office Action dated August 20, 2010, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claims 2, 4, 5, 12, 14, and 18-23 have been cancelled without prejudice or disclaimer. Claims 1, 6, 11, 24, and 25 have been amended. Support for the amendments can be found, inter alia, in original claims 1, 2, 4, 5, 11, 12, and 14; ¶¶ 42 and 43 of the Specification; and Figures 5 and 6. No new matter has been added. Accordingly, claims 1, 3, 6-11, 13, 15-17, and 24-26 are pending and submitted for reconsideration.

**Claim Rejections 35 U.S.C. § 102**

Claims 1, 11, 18, and 20 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,627,270 B1 by Nishimura ("Nishimura"). Applicants traverse the rejection because claims 1 and 11 (18 and 20 have been cancelled) recite subject matter not disclosed by Nishimura.

Claim 1 recites a security element for an object of value. The security element has at least one liquid-crystalline material, which effects a linear polarization of light and is formed by a lyotropic liquid crystal. The liquid-crystalline material is applied over a metal layer having information formed by gaps. Or, the material is applied all-over and a metal layer above the crystalline material has information formed by gaps.

Claim 11 recites a security for protecting an object of value. The security element has at least one liquid-crystalline material, which effects a linear polarization of light and is formed by a lyotropic liquid crystal. The liquid-crystalline material is applied

over a metal layer with information formed by gaps. Or, the material is applied all-over and a metal layer above the crystalline material has information formed by gaps.

Nishimura discloses a liquid crystalline film that functions as a polarizing rotating lattice. See Nishimura Abstract. The liquid crystalline film in Nishimura exhibits a circular polarization ability. See Nishimura at col. 9, I. 66 through col. 10, I. 5. Nishimura also discloses cholesteric orientation or chiral smectic C orientation formed in a surface region or in an interior region of the film. See Nishimura claim 1. Nishimura, however, fails to disclose each and every feature of claims 1 and 11.

Nishimura fails to disclose a security element whereas a liquid-crystalline material effects a linear polarization of light as claims 1 and 11 require. Nishimura discloses in column 14, lines 10 through 31, a laminate having the liquid-crystalline film of Example 1 and a uni-axially stretched film having a phase shift of a quarter-wave. The complete laminate causes a linear polarization. See col. 14, II. 22-31. The liquid-crystalline film itself being used in the laminate and being comprised in Example 1, however, does not cause a linear polarization—it causes a circular polarization. See col. 13, II. 24-26. For this reason alone, Nishimura fails to disclose each and every feature of claims 1 and 11.

Moreover, Nishimura fails to disclose a security element wherein the liquid-crystalline material is applied over a metal layer with information formed by gaps or is applied all-over, and is provided with a metal layer having information formed by gaps, above the crystalline material as claims 1 and 11 require. Nishimura merely discloses a “method wherein a prototype having a diffraction pattern is transferred to the film.” Nishimura at col. 6, II. 19-20. Transferring a diffraction pattern to the liquid crystalline

polymer film, as in Nishimura, differs from applying “a liquid-crystalline material . . . over a metal layer with information formed by gaps” or “provid[ing] a metal layer above the crystalline material having information formed by gaps.” Accordingly, Nishimura fails to disclose each and every feature of claims 1 and 11. Applicants, therefore, respectfully request withdrawal of the rejection of claims 1 and 11.

### **Claim Rejections 35 U.S.C. § 103**

Claims 2-10, 12-17, 19, 21, and 24-26 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable in view of Nishimura. Applicants traverse the rejection and submit that Nishimura fails to disclose each and every limitation of claims 3, 6-10, 13, 15-17, and 24-26 (the rejection of claims 2, 4, 5, 12, and 14 being moot).

Claims 3, 6-10, 13, 15-17, and 24-26 depend from claims 1 and 11 thus contain the limitations recited in claims 1 and 11. As discussed above, Nishimura fails to disclose inter alia a liquid-crystalline material that effects a linear polarization of light, liquid-crystalline material applied over a metal layer with information formed by gaps or is applied all-over, and a metal layer above the crystalline material having information formed by gaps as recited in claims 1 and 11. The Examiner rejected claims 3, 6-10, 13, 15-17, and 24-26 based on alleged obviousness in view of Nishimura alone. The suggestion or motivation to modify a single prior art reference may come from the prior art, as filtered through the knowledge of one skilled in the art. See Motorola Inc. v. Interdigital Tech. Corp., 121 F.3d 1461, 1472 (Fed. Cir. 1997). However, such suggestion or motivation was not present here. The features that Nishimura fails to disclose, in the context of the subject matter of claims 1 and 11 as a whole, would not

have been obvious at the time of invention to a person having ordinary skill in the art.

That these features would have not have been obvious to one of ordinary skill in the art in view of Nishimura, is incorporated into claims 3, 6-10, 13, 15-17, and 24-26 by their dependence on claims 1 and 11. For at least this reason, claims 3, 6-10, 13, 15-17, and 24-26 would not have been obvious in view of Nishimura. Applicants, therefore, respectfully request withdrawal of the rejection of claims 3, 6-10, 13, 15-17, and 24-26.

**CONCLUSION**

In view of the above, all objections and rejections have been sufficiently addressed. Applicants submit that the application is now in condition for allowance and request that the Office allow claims 1, 3, 6-11, 13, 15-17, and 24-26 and pass this application to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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